10/582621

PATENT Case No. ITR0053YP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: PALLAORO, ET AL.

Serial No. To Be Assigned

Filed: June 12, 2006

For: METHOD FOR IDENTIFYING HISTONE DEACETYLASE INHIBITORS

Art Unit: _____

Examiner: _____

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR 1.97

Sir:

1. In compliance with 37 C.F.R. 1.97, submitted on the attached form herewith is a list of patents, publications or other information which are requested to be made of record in this application. This Information Disclosure Statement is not an admission that any patent, publication or other information referred to herein is "prior art" for this invention. In accordance with 37 C.F.R. 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. 1.56(b).

2. In accordance with 37 C.F.R. 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.

3. Applicants respectfully request that the Examiner initial the attached form after reviewing the pertinence of each reference.

4. Pursuant to 37 C.F.R. 1.98 (a)(2)(ii), copies of each cited U.S. patent and each U.S. patent application publication are not enclosed herewith.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

MERCK & CO., INC.

By G Crowley Date June 12, 2006

PATENT Case No. IT.R0053YP

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5. Pursuant to 37 C.F.R. 1.98(d), copies of references listed on the attached form that were submitted to or cited by the Office in a related application upon which the instant application relies for an earlier filing date under 35 U.S.C. 120 are not enclosed. Related application(s) in which references were submitted to or cited by the Office are as follows:

	RELATED APPLICATION	
U. S. SERIAL NUMBER	FILING DATE	MERCK CASE

If this is inconvenient, additional copies will be submitted upon request.

6. In accordance with 37 C.F.R. 1.97, (check one)

☑ the attached information is filed within three months of the filing date of the captioned case.

☐ the attached information is filed more than three months after the filing date but prior to the mailing of a first Office Action on the merits.

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☐ the attached information is being filed more than three months after the filing date and after the mailing of a first Office Action on the merits, but before the mailing date of a Final Action, Notice of Allowance, or an action that otherwise closes prosecution in the application. The enclosed authorization is therefore given to charge Deposit Account No. 13-2755 for the fee required under 37 C.F.R. 1.17(p).

☐ each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement.

☐ each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart application *and this communication was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of the information disclosure statement.*

☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated under 37 C.F.R. 1.56(c) more than three months prior to the filing of this Statement.

Respectfully submitted,

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Date: June 12, 2006

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Sheet	1	of	4

COMPLETE IF KNOWN	
Application Number	
Filing Date	
First Named Inventor	Pallaoro, et al.
Group Art Unit	
Examiner Name	
Attorney Docket Number	ITR0053YP

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No.	U.S. Patent Document Number	Kind Code (if known)	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		5,741,657		Tsien, et al.	04/21/1998
		5,807,692		Kinzler, et al.	09/15/1998
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		6,638,530 B1		Ishibashi, et al.	10/28/2003

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.	Foreign Patent Document Office	Number	Kind Code (if known)	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		PCT	WO 96/30540		The Regents of the Univ. of California	10/03/1996
		PCT	WO 99/50280		Trustees of the Univ. of Pennsylvania	10/07/1999
		PCT	WO 03/020930		The Board of Trustees of the Univ of Il	03/13/2003

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COMPLETE IF KNOWN	
Application Number	
Filing Date	
First Named Inventor	Pallaoro, et al.
Group Art Unit	
Examiner Name	
Attorney Docket Number	ITR0053YP

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No.	Include name of the author, title, date, page(s), volume-issue number(s) and place of publication.
		Archer, et al., "Histone acetylation and cancer", Curr. Opin. Genet. Devel., Vol. 9, pp. 171-174, 1999.
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		Han, et al., "Activation of p21WAF1/Cip1 Transcription through Sp1 Sites by Histone Deacetylase Inhibitor Apicidin", J. Biol. Chem., Vol. 276, pp. 42084-42090, 2001.

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Sheet	3	of	4

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Application Number	
Filing Date	
First Named Inventor	Pallaoro, et al.
Group Art Unit	
Examiner Name	
Attorney Docket Number	ITR0053YP

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No.	Include name of the author, title, date, page(s), volume-issue number(s) and place of publication.
		Huang, et al., "Activation of the p21WAF1/CIP1 promoter independent of p53 by the histone deacetylase inhibitor suberoylanilide hydroxyamic acid (SAHA) through the Sp1 sites", Oncogene, Vol 19, pp. 5712-5712, 2000.
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		Sowa, et al,. "Histone Deacetylase Inhibitor Activates the WAF1/Cip1 Gene Promoter through the SP1 Sites", Biochem. and Biophys. Res. Comm., Vol. 241, pp. 142-150, 1997.
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NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No.	Include name of the author, title, date, page(s), volume-issue number(s) and place of publication.
		Taunton, et al., "A Mammalian Histone Deacetylase Related to the Yeast Transcriptional Regulator Rpd3p", Science, Vol. 272, pp. 408-411, 1996.
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